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UNCLAS SECTION 01 OF 02 TEGUCIGALPA 001258

SIPDIS

SENSITIVE

STATE FOR WHA/CEN, DRL/PHD, INL/LP, INR, CA, AND DS

E.O. 12958: N/A

TAGS: PHUM PGOV SNAR KCRM KJUS ASEC HO

SUBJECT: LA CEIBA PRISON MASSACRE UPDATE; PUBLIC MINISTRY
ALLEGES VIOLENCE WAS PLANNED AND INDICTS 51

REF: A. TEGUCIGALPA 1160

B. TEGUCIGALPA 1141

C. 03 TEGUCIGALPA 1742

D. 03 TEGUCIGALPA 861

E. 03 TEGUCIGALPA 1309

11. (U) On April 5, 2003, 68 persons, 61 of them M-18 gang members, were killed in an incident at El Porvenir prison near La Ceiba. Reports produced by the Public Ministry, a Special Commission of the Honduran National Council for Internal Security (CONASIN), and the Human Rights Commissioner put the blame for the vast majority of deaths on government security forces and non-gang member inmate "trusties." PolOff met May 28 with Aida Romero, Special Prosecutor for Human Rights at the Public Ministry, who is leading the GOH's prosecution of these cases, to discuss the status of the case. (See refs C-E for background on this case.)

12. (U) Romero told PolOff that on May 3 the Public Ministry filed criminal charges against 51 people for alleged involvement in the deaths. Those charged included 19 Preventive Police, including eight Cobras (specially trained police), nine Prison Police, two Army soldiers, one Air Force soldier, 19 prison "trusties" (non-gang member inmates who enforced discipline within the prison), and one regular prisoner. On May 8, the judge in the case approved "watched freedom" (akin to a mild version of office or house arrest) for 39 people, provisionally dismissed cases against five people (two Preventive Police, two soldiers, and the regular prisoner) with the Public Ministry's concurrence, and closed a case against one "trusty" who had been murdered. The judge, Rommel Ruiz Guillen, also issued arrest warrants for six people who failed to present themselves in court to face the charges.

13. (U) Those involved were charged with crimes ranging from abuse of authority to attempted and actual murder to attempted and actual aggravated murder. None of those charged, save for the "trusties" already in jail, were ordered jailed by the judge, a decision being appealed by the Public Ministry. Prosecutors argue that given the gravity of the alleged crimes and the possibility that the defendants may further tamper with evidence, the defendants should be jailed. (Note: Among the problems the Public Ministry has encountered during this investigation are missing evidence, shell casings found at the crime scene that do not match the weapons later given to the Public Ministry by police, allegations that prison records have been altered, etc. End Note.)

14. (U) Romero highlighted a troubling aspect of the cases, namely that many of the M-18 gang members had been transferred on February 5, 2003, to the La Ceiba prison from Tamara Prison, the principal Honduran prison located outside of Tegucigalpa. The then-Director General for Prisons, Luis Beltrand Arias Ramos, ordered approximately 205 M-18 gang members disbursed from the main prison at Tamara to various prisons, sending 30 to El Porvenir. The stated reason for this transfer was the conflict between M-18 and non-gang prisoners at Tamara, including the alleged murder of a Prison Policeman by a M-18 gang member and seizures of weapons held by the M-18. Arias wrote a memo to Minister of Public Security Oscar Alvarez requesting permission to transfer the prisoners. Romero said Alvarez wrote on the corner of the memo that Arias should follow the law. (Note: Both the Code of Criminal Procedure and the Law of Rehabilitation of Criminals have provisions (reportedly conflicting) with regard to transfers of inmates from one prison to another by prison authorities. End Note.) The law required that the DG seek judicial approval for such a transfer. Romero indicated that Alvarez's intention appeared to be that Arias should follow this proper legal procedure, but Arias failed to take this step. Romero also noted there were inconsistencies in Arias' statements regarding the reason for transferring the M-18 prisoners.

15. (U) Another troubling aspect, said Romero, is that on January 5, 2003, a Prison Police instructor named Oscar Reyneira Sanchez, who is allegedly close to Arias, was transferred from Tamara to El Porvenir. Reyneira then

allegedly became close to the M-18 prisoners and eventually provided the weapon used by M-18 gang leader Mario Roberto Cerrato, AKA Boris, to kill Jose Alberto Almendarez and injure Jose Edgardo Coca (the two top "trusty" leaders), which started the April 5, 2003, incident. Both Arias, who has been suspended, and Reyneira have been charged with various murder counts, and Arias has also been charged with abuse of authority.

16. (U) The Public Ministry is also concerned about allegations that La Ceiba Preventive Police patrol cars were at the prison prior to the phone call (made by a prisoner) requesting that the Preventive Police come to the prison to help deal with the incident. Carlos Esteban Enriques Alvarez, Commander of the Preventive Police in La Ceiba, was one of those indicted, but the judge ruled that he can continue in his post, pending the start of the trial. There are also allegations that large quantities of highly flammable paint thinner were stored at the prison in the days prior to the incident.

17. (SBU) Romero said that the Public Ministry is alleging that these suspicious events were linked, and that there was a plan to cause an incident that would lead to the killing of M-18 gang members. Romero said she knew this theory would be difficult to prove in court, especially given the implications of involvement by both the then-DG for Prisons and the Commander of Police in La Ceiba, but said that the Public Ministry planned to press ahead. She said the Public Ministry expected the case to go to trial this fall.

18. (SBU) Comment: The Public Ministry's allegations are troubling, but there has been speculation from the start that there was a possible conspiracy to kill M-18 gang members, especially given the fact that many unarmed M-18 prisoners were shot or beaten to death as they fled their burning cell block. With the May 17 fire at the San Pedro Sula prison that killed 105 Mara Salvatrucha gang members (refs A-B and septel), the Honduran prison system and the GOH's tough anti-gang law is drawing intense scrutiny. The trials will be seen by many observers as a key indicator of the ability of the Honduran legal system to hold police who commit criminal acts responsible for their crimes. End Comment.
Palmer